

REMARKS

Claims 1 and 3-17 are presented for consideration, with Claims 1 and 14-17 being independent.

The independent claims have been amended to further distinguish Applicants' invention from the cited art.

The amendments to the claims were not presented earlier as it was believed that the previously presented claims would be found allowable. This Amendment does not add any additional claims. Moreover, the Examiner's familiarity with the subject matter of the present application will allow an appreciation of the significance of the amendments herein without undue expenditure of time and effort. Finally, the Amendment does not raise new issues requiring a significant amount of further consideration or search. Accordingly, it is submitted that entry of the Amendment is appropriate.

Initially, Claims 1 and 14-17 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for providing insufficient antecedent basis for "said plurality of function keys." In response to this rejection, the claims have been amended to provide better antecedent basis for this feature. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claims 1-5 and 7-17 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Wehmeyer '247. In addition, Claim 6 is rejected under 35 U.S.C. §103 as allegedly being obvious over Wehmeyer. These rejections are respectfully traversed.

Claim 1 of Applicants' invention relates to an image processing apparatus comprised of image input means for inputting an image signal relating to a television broadcast, and menu generation means for generating a menu image signal representing an operation menu relating to processing of the image signal and having a plurality of menu portions at different hierarchical levels each including at least one menu item and generating a registration menu image signal representing a registration menu having a plurality of items corresponding to a plurality of function keys. In addition, display control means displays on a display unit an image corresponding to the image signal output from the image input means and the operation menu corresponding to the menu image signal generated by the menu generation means, and instruction input means receives an instruction from an operating unit including a plurality of function keys and selection means for selecting a desired item in the operation menu displayed on the display unit. Claim 1 has been amended to include assignment means for assigning a function according to one item selected by the selection means from the items at a lowest hierarchical level in the operation menu displayed on the display unit to one of the plurality of function keys with one-to-one correspondence between a plurality of functions and the plurality of function keys. In addition, control means controls, in response to the operation of the function key, the image input means to execute processing corresponding to the function assigned to the function key.

Support for the amendments to Claim 1 can be found, for example, in Figures 10 and 11 and the accompanying specification on page 17, line 5, *et. seq.* In accordance with Applicants' claimed invention, an efficient and easy to use image processing apparatus can be provided.

The Wehmeyer patent relates to a television remote and more specifically to menu generation circuitry within the remote. With reference to Figure 4, a fetch key 411 is provided on a remote control unit 400. By pressing the fetch key, “virtual buttons” are then shown in a fetch menu on the remote to be operated by the user. The fetch menu can be customized by the user or preprogrammed. In contrast to Applicants’ claimed invention, however, Wehmeyer does not teach or suggest, among other features, assigning a function according to one item at a lowest hierarchical level, with a one-to-one correspondence between a plurality of functions and a plurality of function keys, as set forth in Claim 1 of Applicants’ invention. As discussed above, Wehmeyer uses a “two-level” structure which requires the user to press the fetch key and then press a virtual button to perform a function.

Accordingly, it is submitted that Wehmeyer fails to anticipate or render obvious Claim 1 of Applicants’ invention. Furthermore, the other independent claims, i.e., Claims 14-17, have been amended along the same lines as Claim 1, and are therefore submitted to be patentable for at least the same reasons discussed above.

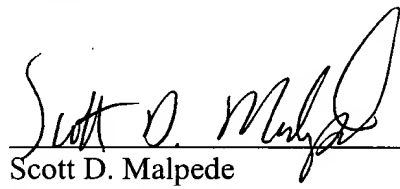
Therefore, reconsideration and withdrawal of the rejections of the claims under 35 U.S.C. §102 and §103 in view of Wehmeyer are respectfully requested.

Accordingly, it is submitted that Applicants’ invention as set forth in independent Claims 1 and 14-17 is patentable over the cited art. In addition, dependent Claims 3-13 set forth additional features of Applicants’ invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Scott D. Malpede
Attorney for Applicants
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

SDM/vmm

DC_MAIN 222850v1